

AUTHORIZING THE PAYMENT OF AN INDEMNITY TO THE GOVERNMENT OF NICARAGUA

FEBRUARY 20, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. TEMPLE, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H. R. 7554]

The Committee on Foreign Affairs, to which was referred H. R. 7554, a bill to authorize the payment of an indemnity to the Government of Nicaragua on account of damages alleged to have been done to the property of Salvador Buitrago Diaz by United States marines on February 6, 1921, having considered the same recommends that it do pass.

The details of the claim are fully set forth in the message of the President of January 10, 1924, and the accompanying report from the Secretary of State, which are here printed as a part of this report.

To the Senate and House of Representatives:

I transmit herewith a report respecting a claim against the United States on account of damage done by United States marines on February 6, 1921, to the property of Mr. Salvador Buitrago Diaz, owner of the newspaper *La Tribuna*, of Managua, Nicaragua, with a request that the recommendation of the Secretary of the Navy, as indicated therein, be adopted and that the Congress authorize the appropriation of the sum necessary to pay the indemnity suggested by the Secretary of the Navy.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of \$1,500.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 10, 1924.

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The President:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting the claim of Mr. Salvador Buitrago Diaz, owner of the newspaper *La Tribuna*, of Managua, Nicaragua, for damage done to his property by United States marines on February 6, 1921.

From a confidential report dated February 8, 1921, made by the commanding officer of the Marine Corps, who investigated the incident, it appears that on February 6, 1921, a group of 22 marines and 1 hospital apprentice, first class, while on authorized liberty in Managua, broke down the doors of the printing shop of *La Tribuna* and entering caused some damage and considerable confusion to the property inside. On being interrogated the men who took part in the affray stated that their act was in retaliation for an article which appeared in *La Tribuna* on February 6 which reflected on the morals of the marines, and which contained unwarranted and untrue statements.

Many of the marines who were involved in the affair are stated to have been of excellent deportment and not given to excesses of any sort. The report indicates that the offense was apparently committed not in a mood of recklessness but deliberately and in a spirit of high indignation. It further appears from the report dated March 8, 1921, of the commander of the special service squadron that as a result of the attack on the office the newspaper did not appear on the following day, and on the 8th, 9th, and 10th of February it appeared as one sheet (two pages) instead of the usual four pages, and was not printed in its own plant. After February 10 the paper was not issued because of the illness of the editor, due, it is alleged, to the attack on his office, but publication of the paper in its normal size was resumed on March 1, 1921, from its own press.

The marines accused of having perpetrated the offense were, on February 19 and 21, tried by general court-martial aboard the *Dolphin*, and received appropriate sentences.

The essential facts which gave rise to the claim are admitted, but there is a difference of opinion as to the amount of damage done and the value thereof. A captain of the Marine Corps who was sent to *La Tribuna* office to investigate the damage inflicted reported that two street doors were partially destroyed, having been battered in with a battering ram, type racks overturned and type spilled, two chairs broken, tables overturned and leg of one broken, desk overturned and contents of drawers spilled, files of old newspapers and documents scattered, a few electric lights and fixtures smashed, and some handles on the printing press were broken off and other small parts slightly damaged, but the press was left in workable condition. He estimated that the material damage did not exceed \$100, not including expense due to cost of printing the paper in another establishment and damages for trespass. Mr. Diaz, in a letter to the minister of police of February 9, 1921, claimed \$5,020 for property damaged. In his letter to the chargé d'affaires of the United States, dated November 14, 1921, the claim is reduced to \$2,320, and this includes the expenses of publishing the paper in another printing office and loss of circulation amounting to \$625. It also includes damage of \$100 to the doors of the building, but it appears that this building was not the property of Mr. Diaz. It appears further from the reports that the shock of the attack on the newspaper office is alleged to have caused a serious illness to Mr. Diaz, which he suggests should be considered in any indemnity paid him, although he does not place a specific value upon his loss through such illness.

The matter was referred to the Navy Department for investigation, and in a communication to the State Department the Acting Secretary of the Navy stated that after eliminating the suggestion of Mr. Diaz that he be recompensed for illness alleged to have been sustained as a result of the attack, his department, in view of other happenings in Managua and for reasons of policy, is inclined to be liberal in making compensation to Mr. Diaz, and thought that the contemporaneous opinion of the Managua press and that of the local officials as contained in the newspapers of Managua might be a safe guide for estimating the damage sustained and fixing the value thereof. These vary from \$500 to about \$2,000, but, for the reasons indicated, the sum of \$1,500 is recommended by the Navy Department as indemnity to Mr. Diaz for the damage done to his property through the attack on the office of *La Tribuna*.

A summary of the essential facts taken from the various reports on file in the case being embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case, but all or any part of that correspondence will of course be furnished should the Congress so desire.

The Secretary of State acquiesces in the recommendation of the Acting Secretary of the Navy and has the honor, therefore, to request the President to recommend to the Congress as an act of grace, and without regard to the question of legal liability, the authorization of an appropriation in the sum of \$1,500 as indemnity to Mr. Salvador Buitrago Diaz, owner of the newspaper La Tribuna, of Managua, Nicaragua, for damage done to his property by the United States marines on February 6, 1921.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 9, 1924.

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The Secretary of State recognizes the importance of the treaty for the purpose of the United States to secure the peace and stability of the Central American States and to secure the free and unobstructed navigation of the waters of the Gulf of Mexico and the Caribbean Sea. The Secretary of State also recognizes the importance of the treaty for the purpose of the United States to secure the peace and stability of the Central American States and to secure the free and unobstructed navigation of the waters of the Gulf of Mexico and the Caribbean Sea.

Witness my hand and the seal of the Department of State at Washington this 12th day of February 1858.

WILLIAM L. GAYNE, Secretary of State.